

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK**

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AUTOMOTIVE LIFT INSTITUTE, INC.,

Plaintiff,

-against-

**DEFENDANT'S
ANSWER**

AUTOMOTIVE COMPLIANCE CONSULTANTS, INC.,

Defendant.

Index No. 5:17-CV-192
(MAD/ATB)

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Defendant, by its attorney, Todd Wengrovsky, for its Answer and Affirmative Defenses, states
as follows:

“PARTIES” SECTION OF COMPLAINT

1. Defendant admits the allegations of this Paragraph of the Complaint.
2. Defendant admits the allegations of this Paragraph of the Complaint.
3. Defendant admits the allegations of this Paragraph of the Complaint.

“JURISDICTION AND VENUE” SECTION OF COMPLAINT

4. Defendant admits the allegations of this Paragraph of the Complaint.
5. Defendant denies each and every allegation of this Paragraph of the Complaint.
6. Defendant denies each and every allegation of this Paragraph of the Complaint.

“FIRST CAUSE OF ACTION” SECTION OF COMPLAINT

7. Defendant repeats and incorporates by reference its replies in Paragraphs 1 through 6 herein inclusive.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint.

12. Defendant denies each and every allegation of this Paragraph of the Complaint.

13. Defendant denies each and every allegation of this Paragraph of the Complaint.

14. Defendant denies each and every allegation of this Paragraph of the Complaint.

15. Defendant admits the allegations of this Paragraph of the Complaint.

16. Defendant denies each and every allegation of this Paragraph of the Complaint, with the comment that Defendant not only responded to Plaintiff's request, but, without any admission of infringement or liability, specifically indicated that it would cease using the accused material to avoid legal conflict.

17. Defendant denies each and every allegation of this Paragraph of the Complaint.

DEFENDANT'S AFFIRMATIVE DEFENSES

Answering further, Defendant raises the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant has not infringed any valid copyright.

THIRD AFFIRMATIVE DEFENSE

Parties other than Plaintiff independently designed and created the works in question.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff is barred from recovery by reason of waiver and/or estoppel.

FIFTH AFFIRMATIVE DEFENSE

Defendant had no knowledge that any of its activities constituted infringement and thus its actions were innocent.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred to the extent that the copyrights at issue in this case are invalid and/or unenforceable.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff is barred from recovery by reason of unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrine of acquiescence.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrine of laches.

TENTH AFFIRMATIVE DEFENSE

Plaintiff can not demonstrate injury, impact, or damage as a result of any actions by Defendant.

WHEREFORE, Defendant respectfully requests this Court to grant judgment in its favor, order all claims of the Complaint dismissed with prejudice, award Defendant all costs, expenses, disbursements and fees incurred herein, including reasonable attorneys' fees, and such other, further and different relief as the Court may deem just and proper.

Dated: Calverton, New York.
April 11, 2017

/s/ Todd Wengrovsky
Todd Wengrovsky - TW4823
Law Offices of
Todd Wengrovsky, PLLC.
285 Southfield Road, Box 585
Calverton, NY 11933
Tel (631) 727-3400
Attorney for Defendant